

§1-2 DEFINITIONS.

(a) Unless otherwise clear from the context as used herein, the following terms for the purpose of this rule shall mean:

- (1) Act: United States Housing Act of 1937 (42 U.S.C. 1437f), as amended.
- (2) Adjusted Income: The Annual Income less:
 - (A) \$480 for each dependent;
 - (B) \$400 for any Elderly Family or Disabled Family;
 - (C) Unreimbursed medical expenses for any Elderly Family or Disabled Family and unreimbursed reasonable attendant care and auxiliary apparatus expenses for a Person with Disabilities as allowed in 24 CFR 5.611(a)(3).
 - (D) Child care expenses.
- (3) Administrative Fee Reserve: The account to which is credited the excess administrative fees earned by the Agency in prior years. Such funds may be used for housing purposes other than the Section 8 Housing Assistance Payments Program.
- (4) Agency: The Department of Community Services, City and County of Honolulu.
- (5) Annual Contributions Contract (ACC): A written agreement between the Federal Department of Housing and Urban Development (HUD) and the Agency to provide funding to cover housing assistance payments and other related expenses. Also known as a Consolidated ACC when more than one increment of units is funded simultaneously with one written agreement.
- (6) Annual Income: The anticipated total annual income of a Family from all sources for a 12-month period following the date of determination of income, computed in accordance with Sections 1-6(a)-(d), herein.
- (7) Applicant (Applicant Family): A family that has applied for admission to the Program, but is not yet a participant in the Program.
- (8) Assets: The cash value or equity in real property, savings, stocks, bonds and other forms of capital investment, but excluding household furnishings and automobile for personal use (see also Section 1-6 herein).
- (9) Certificate Program: A Section 8 Tenant Based Rental Assistance Program, AKA, Section 8 Existing Housing Assistance Payments Program that existed prior to October 1, 2001.
- (10) CFR-Code of Federal Regulations: The federal publication, which contains rules and regulations, governing, among other things, the HUD and Tenant Based Section 8 Rental Assistance and Moderate Rehabilitation Programs, as may be amended from time to time.

- (11) Child Care Expenses: Amounts anticipated to be paid by the Family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to seek employment actively, to be gainfully employed, or to further his or her education, but only to the extent such amounts are not reimbursed. The amount shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount shall not exceed the amount of employment income that is included in Annual Income.
- (12) Co-Head of Household: The spouse and/or one other adult member in the Family who shares responsibility with the Head of Household for the Lease and who is included for purposes of determining income eligibility and rent.
- (13) Continuously Assisted Family: An Applicant Family that is already receiving assistance under any 1937 Housing Act Program when the Family is admitted to the Housing Choice Voucher Program.
- (14) Dependent: A member of the Family (except foster children and foster adults) other than the Head of Household or spouse, who is under eighteen (18) years of age or is a Person with a Disability, or is a Full-time Student.
- (15) Disabled Family: A Family whose head, spouse or sole member is a Person with Disabilities, as defined in 24 CFR 5.403. It may include two (2) or more Persons with Disabilities living together; or one (1) or more Persons with Disabilities living with one (1) or more Live-in Aides.
- (16) Displaced Family: A Family in which each member, or whose sole member, is a person displaced by governmental action, or a person or Family whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formerly recognized pursuant to U.S. Federal disaster relief laws.
- (17) Drug Related Criminal Activity: See Section 1-23(c)(16), herein.
- (18) Elderly Family: A Family whose head, spouse, or sole member is a person who is at least sixty two (62) years of age. It may include two (2) or more persons who are at least sixty two (62) years of age living together, or one (1) or more persons who are at least sixty two (62) years of age living with one (1) or more Live-in Aides.
- (19) Extremely Low Income Family: A family whose Annual Income does not exceed thirty percent (30%) of the median family income for the area as determined by

HUD, with adjustments for unusually high or low family income.

- (20) Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone, cable and satellite TV), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary housing of modest (non luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR Part 888.
- (21) Family (Families): Two (2) or more persons sharing residency who are either related by blood, marriage, or operation of law or have evidenced a stable family relationship of at least two (2) consecutive years; a Disabled Family; a Displaced Family; an Elderly Family; a Remaining Member of a Participant Family; or a Single Person. A Family may or may not be a Participant in the Program as the context may prescribe.
- (22) Family Income: See Section 1-6 herein.
- (23) Family Rent to Owner: The amount payable monthly by the Family as rent to the unit owner.
- (24) Family Share: The amount the Family pays monthly toward rent and allowance for utilities.
- (25) Family Self Sufficiency Program or FSS Program: A program established by the Agency and described in Chapter 2 of the Agency's Section 8 Housing Assistance Program Rules and Regulations to promote self-sufficiency among participating families.
- (26) Full-time Student: A person who is in full-time attendance (equal to a full-time day student) under the standards and practices of a qualified educational institution he or she is attending.
- (27) Gross Rent: The sum of Rent to Owner plus any utility allowance.
- (28) Head of Household: The adult member or emancipated minor of the Family who is the head of household for purposes of determining income eligibility and rent and is responsible for the Lease.
- (29) Homeownership Option Program: A program established by the Agency and described in Chapter 3 of the Agency's Section 8 Housing Assistance Program Rules and Regulations. A special housing type of assistance for a homeowner or cooperative member under 24 CFR 982.625 - 982.641.
- (30) Housing Assistance Payments (HAP): The monthly assistance payment by the Agency, which includes:
 - (A) A payment to the Owner for Rent to Owner under the Family's Lease; and
 - (B) An additional payment to the Family if the total assistance payment exceeds the Rent to Owner.

- (31) Housing Assistance Payments Contract (HAP CONTRACT): A written agreement between the Agency and an Owner for the purpose of providing housing assistance payments to the Owner under the Section 8 Tenant Based Rental Assistance and Moderate Rehabilitation Programs on behalf of the Family.
- (32) Housing Choice Voucher Program: A Section 8 [Tenant Based] Rental Assistance Program, AKA Voucher Program.
- (33) Housing Quality Standards (HQS): The HUD minimum quality standards for housing assisted under the tenant based programs set forth in 24 CFR Part 982.401-406.
- (34) HUD: The United States Department of Housing and Urban Development or its designee.
- (35) Initial PHA: In Portability, the term refers to both: 1) a PHA that originally selected a Family that later decides to move out of the jurisdiction of such selecting PHA and 2) a PHA that absorbed a Family that later decides to move out of the jurisdiction of such absorbing PHA.
- (36) Lease: A written agreement between an Owner and a tenant for the leasing of a dwelling unit to the Family. The Lease establishes the conditions for occupancy of the dwelling unit by a Family with Housing Assistance Payments under a HAP Contract between the Owner and the PHA.
- (37) Live-in Aide: A person who resides with one (1) or more persons who is (are) 62 years of age or Persons with Disabilities and who, a) is determined to be essential to the care and well-being of the persons, b) is not obligated to provide for the support of the persons and c) would not be living in the unit except to provide the necessary supportive services.
- (38) Low Income Family: A family whose Annual Income does not exceed eighty (80) percent of the median income for an area as determined by HUD, with adjustments for unusually high or low family income.
- (39) Medical Expenses: Those medical expenses, including medical insurance premiums, which are anticipated during the period for which the Annual Income is computed, and that are not covered by insurance or otherwise reimbursed.
- (40) Moderate Rehabilitation Program: A type of project based Certificate Program. All provisions in Chapter 1 apply unless otherwise prescribed in 24 CFR Part 882.
- (41) Monthly Adjusted Income: One twelfth of Adjusted Income.
- (42) Monthly Income: One-twelfth of the Annual Income.
- (43) Net Family Assets: See Sections 1-6(e) and (f) herein.

- (44) Owner or Landlord: Any person or entity, including a cooperative, having the legal right to lease or sub-lease units to Participants.
- (45) Participant (Participant Family): A Family that has been admitted to the Agency's Program and is currently assisted in the Program.
- (46) Payment Standard: The maximum monthly assistance payment for a Family assisted in the Voucher Program (before deducting the Total Tenant Payment by the Family.)
- (47) Person with Disabilities: A person with disabilities as defined under 24 CFR 5.403.
- (48) Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the Initial PHA.
- (49) Program: See Voucher Program.
- (50) Public Housing Agency (PHA): Any state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage or assist in the development or operation of housing for low-income families.
- (51) Reasonable Rent: A Rent to Owner that is not more than rent charged for a) comparable units in the private unassisted rental market and b) comparable unassisted units in the same premises.
- (52) Receiving PHA: In Portability, a PHA that receives a Family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a Voucher and provides program assistance to the Family.
- (53) Remaining Member of a Participant Family: The last adult Family member remaining in a unit. This does not include a Live-in Aide, or a foster child or foster adult.
- (54) Rent to Owner (formerly known as Contract Rent): The total monthly rent payable to the Owner under the Lease for the unit. Rent to Owner covers payment for any housing services, maintenance and utilities that the Owner is required to provide and pay for.
- (55) Section 8 Tenant Based [Rental Assistance] Voucher Program: [The] A Housing Choice Voucher Program AKA Voucher Program.
- (56) Section 8 Project Based Voucher (PBV) Program: A Housing Choice Voucher Program administered by the Agency pursuant to 24 CFR Part 983 that is attached to specific units for a specified period of time.
- ~~(56)~~[(56)] (57) Single Person: A person living alone or intending to live alone who does not qualify as an Elderly Family, Disabled Family, Displaced Family, or the Remaining Member of a Participant Family.
- ~~(57)~~[(57)] (58) Special Admissions: Admission of an Applicant that is not on the Waiting List or without considering the Applicant's Waiting List position.

- ~~(58)~~[(58)] (59) Tenant: An individual or a family renting or occupying an assisted unit.
- ~~(59)~~[(59)] (60) Total Tenant Payment (TTP): The higher of thirty percent (30%) of the Family's Monthly Adjusted Income or ten percent (10%) of the Family's monthly gross income, rounded to the nearest dollar.
- ~~(60)~~[(60)] (61) Utility Allowance: An amount equal to the estimate established by the Agency for all tenant-paid utilities (except non essential utility costs, including, without limitation, telephone and cable and satellite television), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)) and is based on the customary cost of utilities and services paid by energy conservative households of modest circumstances that occupy housing of similar size and type in the same locality and complies with decent, safe, and sanitary housing.
- ~~(61)~~[(61)] (62) Utility Reimbursement: The portion of the Housing Assistance Payment which exceeds the amount of the Rent to Owner.
- ~~(62)~~[(62)] (63) Very Low-Income Family: A family whose Annual Income does not exceed fifty (50) percent of the median income for an area as determined by HUD, with adjustments for unusually high or low family income.
- ~~(63)~~[(63)] (64) Violations of the Lease:
- (A) Serious Violation - The intentional or unintentional breach of the Lease or other signed document that results in the Owner's or Landlord's reasonably filing suit for eviction.
 - (B) Repeated Violation - Repeated infraction of the Lease or other signed document, that results in the Owner's or Landlord's reasonably filing suit for eviction.
- ~~(64)~~[(64)] (65) Voucher: A document issued by a PHA declaring a Family to be eligible for participation in the Housing Choice Voucher Program and stating the terms and conditions for the Family's participation.
- ~~(65)~~[(65)] (66) Voucher Program (Program): A Section 8 [Tenant Based] Rental Assistance Program, AKA, the Housing Choice Voucher Program. Includes the Moderate Rehabilitation Program unless otherwise provided in 24 CFR Part 882.
- ~~(66)~~[(66)] (67) Waiting List: The compiled names of preliminarily eligible applicants waiting to become participants in the Agency's Section 8 [Tenant Based] Rental Assistance Programs.
- ~~(67)~~[(67)] (68) Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded separately or jointly by the U.S. Federal and/or State governments. [Eff

10/20/03;am _____] (Auth: HRS
§91-5)(Auth: 1-9.1ROH)

§ 1-10 ISSUANCE OF VOUCHER.

(a) Preference in Selecting Eligible Families.

(1) In selecting Families to participate in the Voucher Program, the Agency shall apply the following order of preference:

- (A) An assisted Family under the Moderate Rehabilitation Program, who was not Continually Assisted before being admitted to the Moderate Rehabilitation Program, who is forced to move due to a change in family size or wishes to move and has been cleared by the Agency and the Owner of all amounts due either party; providing the Family is on the Waiting List, and all Applicants who applied before the Family have been assisted.
- (B) An Elderly Family, Disabled Family, or Displaced Family comprised of a sole member and families consisting of 2 or more persons shall have preference over a Family comprised of a Single Person.

(C) A Family who is being assisted under a HUD program for the homeless and:

- (i) is deemed to be in a stable situation by the organization administering the HUD program;
- (ii) is living and will continue to live in a Section 8 eligible unit that meets the Agency's HQS and rent reasonable requirement;
- (iii) has been receiving supportive services and rental subsidy for that unit for at least a year; and
- (iv) will continue to receive supportive services.

No more than ten percent (10%) of all vouchers issued from July 1 through June 30 of each year may be issued to Families that qualify under this preference.

[(C)] (D) All other Families in the order of dates and times of their respective applications, provided that the number of participants remains within the Agency's ACC authorization.

(2) In selecting Families for participation in HUD funded specified categories as defined in 24 CFR 982.204 (e), as amended, such as Welfare-to-Work, Mainstream, and Family Unification Programs or Special Admission Programs, as defined in 24 CFR 982.203, such as but not limited to the Preservation and Opt-Out Vouchers, the Agency shall follow the eligibility and selection criteria set by HUD for the above-mentioned special

Voucher programs. If selection for the above-mentioned specified category voucher is to be from the Agency's Waiting List, the Agency shall first select those Families that meet the eligibility criteria for the special Voucher program in order of the dates and times of their applications. If there are no Waiting List Applicants who meet the eligibility criteria, the Agency may open the Waiting List specifically to obtain applicants who meet the eligibility criteria of the special Voucher Program. If HUD permits, the Agency shall select Families in the order of the dates and times of their applications.

- (3) In accordance with 24 CFR 982.203, if HUD awards the Agency program funding that is targeted for families living in specified units:
 - (A) The Agency must use the assistance for the families living in these units.
 - (B) The Agency may admit a family that is not on the Agency's Waiting List, or without considering the family's Waiting List position.

(4) Special Waiting List(s) and selection policies may be established as needed and as allowed under the PBV Program rules and policies

(b) Processing of Applications. The Agency shall determine eligibility for issuance of Vouchers in accordance with schedules and criteria established by HUD and the Agency. In doing so, the Agency shall require every Applicant to complete and sign an application or an updated application , if necessary.

(c) Verification. The information submitted on the application for admission shall be verified in accordance with HUD guidelines to substantiate income and Family eligibility, voucher or subsidy size and rent to be paid. All verifications shall be valid for a period of sixty (60) days prior to admission.

(d) Voucher. If a Voucher is available and an Applicant is determined to be eligible, that Applicant shall be issued a Voucher signed by the Applicant and a duly authorized representative of the Agency, upon participating in a family briefing, as provided in Section 1-11 hereof. [Eff [10/20/03; am](#)_____] (Auth: HRS §91-5)(Auth: 1-9.1ROH)